

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>CITIFINANCIAL MORTGAGE</b>	)	
<b>COMPANY, INC.,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CV : 3:06cv899-MHT</b>
	)	
<b>ALPHA SMITH and VERA SMITH,</b>	)	
	)	
<b>Defendants,</b>	)	

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**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY  
JUDGEMENT AS TO DEFENDANT ALPHA SMITH**

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**Come Now** Defendants Alpha and Vera Smith (collectively referred to as "Defendants"), and hereby respond to Plaintiff CitiFinancial Mortgage Company, Inc.'s (hereinafter "Plaintiff") Motion for Summary Judgment As to Defendant Alpha Smith. Defendants maintain their prior stance that their claims against Plaintiff are not subject to the Federal Arbitration Act and that the entirety of their claims should be litigated in the Circuit Court of Macon County, Alabama, where this action was originally filed. Furthermore, even if the Court grants Plaintiff's Motion for Summary Judgment as to Defendant Alpha Smith, Defendant Vera Smith's claims against Plaintiff should be allowed to proceed in the Circuit Court of Macon County, Alabama.

In support thereof, Defendants rely on their Response to CitiFinancial Mortgage Company, Inc.'s Petition for Order Compelling Arbitration and attached Exhibits A-D (Doc. #7) previously filed with this Court on November 7, 2006.

Respectfully submitted,

/s/ Charles James, II  
TYRONE C. MEANS (MEA003)  
CHARLES JAMES, II (JAM028)

Attorneys for Alpha Smith and  
Vera Smith

**OF COUNSEL:**  
**THOMAS, MEANS, GILLIS & SEAY, P.C.**  
Post Office Drawer 5058  
3121 Zelda Court  
Montgomery, Alabama 36103-5058  
Tel: (334) 270-1033  
Fax: (334) 260-9396

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that all counsel of record are registered in the CM/ECF system and should receive electronic notice.

/s/ Charles James, II  
**OF COUNSEL**